

**SUPREME COURT MINUTES
WEDNESDAY, OCTOBER 22, 2003
SAN FRANCISCO, CALIFORNIA**

S035769

PEOPLE v. HEARD (JAMES M.)
Rehearing denied

Baxter, J., and Chin, J., are of the opinion the petition should be granted.
Brown, J., was absent and did not participate.

S094088

F033862 Fifth Appellate District

PEOPLE v. SANDERS
Rehearing denied

Opinion modified – no change in judgment.

Baxter, J., is of the opinion the petition should be granted.
Brown, J., was absent and did not participate.

S094597

F028940 Fifth Appellate District

PEOPLE v. LEE
Rehearing denied

Kennard, J., is of the opinion the petition should be granted.
Brown, J., was absent and did not participate.

S102671D037871 Fourth Appellate District,
Division One

S. (SHARON) v. S.C. (ANNETTE F.)
Rehearing denied

Baxter, J., and Chin, J., are of the opinion the petition should be granted.
Brown, J., was absent and did not participate.

S110662

SOUTHERN CALIFORNIA EDISON v. LYNCH
Rehearing denied

Baxter, J., is of the opinion the petition should be granted.
Chin, J., was recused and did not participate.
Brown, J., was absent and did not participate.

S107583

SCHWERIN (ROBERT) ON H.C.

OSC issued, returnable in Superior Court

The Director of Corrections is ordered to show cause before the Siskiyou County Superior Court, when the matter is placed on calendar, why petitioner's conviction and sentence on Count 1 in case number 9884 for continuous sexual abuse of a child, pursuant to Penal Code section 288.5, should not be vacated. (See the Attorney General's concession in Informal Opposition at p. 8; *People v. Johnson* (2002) 28 Cal.4th 240; see also *People v. Torres* (2002) 102 Cal.App.4th 1053, 1059-1060.) The return shall be filed on or before November 21, 2003. Brown, J., was absent and did not participate.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin & Moreno, JJ.

S118843

C038245 Third Appellate District

PEOPLE v. WARNER

Petition for review granted; transferred to CA 3

The matter is transferred to the Court of Appeal, Third Appellate District, with directions to reconsider whether a conviction under Nebraska Revised Statutes, section 28-320.01, as interpreted by *State v. Carlson* (1986) 394 N.W.2d 669 and other Nebraska cases, is sufficient to prove a "lewd or lascivious act on a child under the age of 14 years," whether defendant's conviction under Nebraska Revised Statutes, section 28-320.01 was for an offense that includes all of the elements of a felony under California law, and, if not, whether an act which does not constitute a felony under California law can qualify as a serious felony under Penal Code sections 667, subdivision (d)(2), 1170.12, subdivision (b)(2), and 1192.7, subdivision (c)(6). Brown, J., was absent and did not participate.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin and Moreno, JJ.

S116514

MATHEWS (CHERI LEE) ON H.C.
Petition ordered withdrawn

pursuant to written request of petitioner.

S118579

A096749 First Appellate District,
Division Three

VITTON CONSTRUCTION v. PACIFIC INSURANCE
Petition ordered withdrawn

pursuant to written request of petitioner.
Brown, J., was absent and did not participate.

S116984

COOPER (KEVIN) ON H.C.
Petition for writ of habeas corpus denied (AA)

The petition for writ of habeas corpus, filed June 24, 2003, is denied on the merits.
Brown, J., was absent and did not participate.

S116614

THE UTILITY REFORM NETWORK v. P.U.C.
(ALLIANCE FOR RETAIL ENERGY MARKETS)
Petition for writ of review denied

Chin, J., was recused and did not participate.
Brown, J., was absent and did not participate.

S117388

SOUTHERN CALIFORNIA EDISON CO. v. CALIF.
PUBLIC UTILITIES COMMISSION
Petition for writ of review denied

Chin, J., was recused and did not participate.
Brown, J., was absent and did not participate.

S117675

COOPER (KEVIN) v. S.C. (PEOPLE)
Petition for writ of mandate/prohibition denied

The petition for writ of mandate and/or prohibition, filed July 22, 2003, is denied on the merits. The parties' suggestion that the denial be without prejudice to further proceedings in the superior court is denied because this court bases its denial solely on the superior court's

findings regarding petitioner's failure to satisfy the requirements of Penal Code section 1405, subdivision (f)(4) and (5).

Brown, J., was absent and did not participate.

S117791

B154174 Second Appellate District,
Division Six

PEOPLE v. ARNOLD

Petition for review denied

Brown, J., was absent and did not participate.

S117989

F038533 Fourth Appellate District,
Division Two

PALMER v. ZAKLAMA

Petition for review denied

Brown, J., was absent and did not participate.

S117993

D042143 Fourth Appellate District,
Division One

LANGSTON (FRANK E.), ON H.C.

Petition for review denied

Brown, J., was absent and did not participate.

S118023

B160316 Second Appellate District,
Division Four

A. S. ENGINEERING v. LOS ANGELES UNIFIED
SCHOOL DISTRICT

Petition for review denied

Brown, J., was absent and did not participate.

S118071

G029588 Fourth Appellate District,
Division Three

PEOPLE v. GREEN

Petition for review denied

Brown, J., was absent and did not participate.

S118099

F040320 Fifth Appellate District

PEOPLE v. GONZALEZ

Petition for review denied

Brown, J., was absent and did not participate.

S118121

G030377 Fourth Appellate District,
Division Three

COMMONWEALTH ENERGY v. INVESTOR DATA

Petition for review denied

Brown, J., was absent and did not participate.

S118187
B168888 Second Appellate District,
Division One

CLARK (CHESTER LEDZEPLIN) ON H.C.
Petition for review denied

Brown, J., was absent and did not participate.

S118295
B167173 Second Appellate District,
Division Five

HOLDER (KEITH) ON H.C.
Petition for review denied

Brown, J., was absent and did not participate.

S118496
B169014 Second Appellate District,
Division Five

LEVY v. S.C. (GOLD'S GYM)
Petition for review denied

Werdegar, J., is of the opinion the petition
should be granted.
Brown, J., was absent and did not participate.

S118510
H024284 Sixth Appellate District

PEOPLE v. PHAN
Petition for review denied

Brown, J., was absent and did not participate.

S118556
B162023 Second Appellate District,
Division Seven

PEOPLE v. SMITH (JOHNELL)
Petition for review denied

Kennard, J., and Werdegar, J., are of the
opinion the petition should be granted.
Brown, J., was absent and did not participate.

S118605
H024960 Sixth Appellate District

CRYOLIFE INC. v. S.C. (MINVIELLE)
Petition for review denied

Brown, J., was absent and did not participate.

S118642
F040363 Fifth Appellate District

HARROTT v. KINGS, COUNTY OF
Petition for review denied

Brown, J., was absent and did not participate.

S118651
F041139 Fifth Appellate District

PEOPLE v. HERRING
Petition for review denied

Kennard, J., is of the opinion the petition should
be granted.
Brown, J., was absent and did not participate.

S118669
E030693 Fourth Appellate District,
Division Two

PEOPLE v. CORYELL
Petition for review denied

Brown, J., was absent and did not participate.

S118695
A102673 First Appellate District,
Division Five

SAN MATEO COUNTY TRANSIT DISTRICT v.
WCAB; MACKIE
Petition for review denied

Brown, J., was absent and did not participate.

S118714
B160036 Second Appellate District,
Division Four

PEOPLE v. RANGEL
Petition for review denied

Brown, J., was absent and did not participate.

S118717
F040722 Fifth Appellate District

PEOPLE v. HOWELL
Petition for review denied

Brown, J., was absent and did not participate.

S118726
D038763 Fourth Appellate District,
Division One

DEUTSCH v. VECTRON INC.
Petition for review denied

Kennard, J., is of the opinion the petition should
be granted.
Brown, J., was absent and did not participate.

S118734
F039516 Fifth Appellate District

PEOPLE v. FRIERSON
Petition for review denied

Brown, J., was absent and did not participate.

S118773
H024269 Sixth Appellate District

GARNIER v. LUDWICK
Petition for review denied

Brown, J., was absent and did not participate.

S118790
B164873 Second Appellate District,
Division Seven

LE PARC COMMUNITY ASSN. v. WCAB, CURREN
Petition for review denied

Brown, J., was absent and did not participate.

S118792
B160929 Second Appellate District,
Division Six

PEOPLE v. HENDERSON
Petition for review denied

Brown, J., was absent and did not participate.

S118794
B169230 Second Appellate District,
Division Five

KIM v. S.C. (DAS CORPORATION)
Petition for review denied

Brown, J., was absent and did not participate.

S118828
B159495 Second Appellate District,
Division Two

PEOPLE v. LOVELACE
Petition for review denied

Brown, J., was absent and did not participate.

S118837
B163184 Second Appellate District,
Division Five

PEOPLE v. SMITH (COOKIE)
Petition for review denied

Brown, J., was absent and did not participate.

S118840
F043094 Fifth Appellate District

NARANJO v. WCAB. (MERCY HOSPITAL)
Petition for review denied

Brown, J., was absent and did not participate.

S118841
C040462 Third Appellate District

PEOPLE v. LINDSEY
Petition for review denied

Brown, J., was absent and did not participate.

S118857
F040607 Fifth Appellate District

CARTER v. KOH
Petition for review denied

Brown, J., was absent and did not participate.

S118885
D039979 Fourth Appellate District,
Division One

CHAVEZ v. MENDOZA
Petition for review denied

Brown, J., was absent and did not participate.

S118887
B160203 Second Appellate District,
Division Four

PEOPLE v. JONES
Petition for review denied

Brown, J., was absent and did not participate.

S118889
G030088 Fourth Appellate District,
Division Three

ORMOND v. SUPERSHUTTLE ORANGE COUNTY
Petition for review denied

Brown, J., was absent and did not participate.

S118892
D039119 Fourth Appellate District,
Division One

PEOPLE v. DAILEY
Petition for review denied

Brown, J., was absent and did not participate.

S118894
F039542 Fifth Appellate District

PEOPLE v. GOMEZ
Petitions for review denied

Brown, J., was absent and did not participate.

S118903
F039677 Fifth Appellate District

PEOPLE v. ROBINSON
Petition for review denied

Brown, J., was absent and did not participate.

S118919
D041204 Fourth Appellate District,
Division One

EVANS v. S.C. (PEOPLE)
Petition for review denied; CA opinion decertified

Brown, J., was absent and did not participate.

S118920
H023788 Sixth Appellate District

PEOPLE v. CORTEZ
Petition for review denied

Brown, J., was absent and did not participate.

S118928
G031139 Fourth Appellate District,
Division Three

PEOPLE v. STROTHER
Petition for review denied

Brown, J., was absent and did not participate.

S118938
B156006 Fourth Appellate District,
Division Three

HIGHTOWER v. ODOWD
Petition for review denied

Brown, J., was absent and did not participate.

S118945
F043615 Fifth Appellate District

ARMIENTA v. S.C. (PEOPLE)
Petition for review denied

Brown, J., was absent and did not participate.

S118948
A097226 First Appellate District,
Division Two

PEOPLE v. PINA
Petition for review denied

Brown, J., was absent and did not participate.

S118964
B159547 Second Appellate District,
Division One

WATSON v. LOCKYER
Petition for review denied

Brown, J., was absent and did not participate.

S118972
A095862 First Appellate District,
Division Two

PEOPLE v. HINES
Petition for review denied

Brown, J., was absent and did not participate.

S118977
H025458 Sixth Appellate District

PEOPLE v. SCRASE
Petition for review denied

Brown, J., was absent and did not participate.

S118981

E031370 Fourth Appellate District,
Division Two

PEOPLE v. TURNER

Petition for review denied

Brown, J., was absent and did not participate.

S118983

B161264 Second Appellate District,
Division Two

PEOPLE v. CONTRERAS

Petition for review denied

Brown, J., was absent and did not participate.

S118991

B158775 Second Appellate District,
Division One

PEOPLE v. MORELAND

Petition for review denied

Brown, J., was absent and did not participate.

S119000

B155939 Second Appellate District,
Division Five

PEOPLE v. MILTON

Petition for review denied

Brown, J., was absent and did not participate.

S119004

B159044 Second Appellate District,
Division Two

PEOPLE v. ROSAS

Petitions for review denied

Brown, J., was absent and did not participate.

S119005

B164228 Second Appellate District,
Division Three

PEOPLE v. FLOYD

Petition for review denied

Brown, J., was absent and did not participate.

S119011

E031318 Fourth Appellate District,
Division Two

PEOPLE v. WHITE

Petition for review denied

Brown, J., was absent and did not participate.

S119020

D040707 Fourth Appellate District,
Division One

C. (A.), IN RE; PAUL J. v. DAVID H.

Petition for review denied

Brown, J., was absent and did not participate.

S119021

D039208 Fourth Appellate District,
Division One

PEOPLE v. HARRIS

Petition for review denied

Brown, J., was absent and did not participate.

S119047

F041464 Fifth Appellate District

PEOPLE v. BURNETT

Petition for review denied

Brown, J., was absent and did not participate.

S119050

F038745 Fifth Appellate District

PEOPLE v. MACIAS

Petition for review denied

Brown, J., was absent and did not participate.

S119053

B152618 Second Appellate District,
Division Three

PEOPLE v. REESE

Petitions for review denied

Brown, J., was absent and did not participate.

S119054

E031509 Fourth Appellate District,
Division Two

PEOPLE v. VILLALOBOS

Petition for review denied

Brown, J., was absent and did not participate.

S119055

B161980 Second Appellate District,
Division Five

PEOPLE v. PETRY

Petition for review denied

Brown, J., was absent and did not participate.

S119058

D040570 Fourth Appellate District,
Division One

G., (CARLOS), IN RE

Petition for review denied

Brown, J., was absent and did not participate.

S119059

B162456 Second Appellate District,
Division One

PEOPLE v. PETTAWAY

Petition for review denied

Brown, J., was absent and did not participate.

S119063

E034289 Fourth Appellate District,
Division Two

FRANK Z. v. S.C. (ORANGE COUNTY SOCIAL
SERVICES AGENCY)
Petition for review denied

Brown, J., was absent and did not participate.

S119064

A101455 First Appellate District,
Division Four

PEOPLE v. DEWAR
Petition for review denied

Brown, J., was absent and did not participate.

S119065

B162145 Second Appellate District,
Division Three

PEOPLE v. MARTINEZ
Petition for review denied

Brown, J., was absent and did not participate.

S119069

G031545 Fourth Appellate District,
Division Three

L. (AISLIN), IN RE
Petition for review denied

Brown, J., was absent and did not participate.

S119070

B162929 Second Appellate District,
Division Two

PEOPLE v. NAVA
Petition for review denied

Brown, J., was absent and did not participate.

S119074

B158302 Second Appellate District,
Division Five

PEOPLE v. MITCHELL
Petition for review denied

Brown, J., was absent and did not participate.

S119078

A098469 First Appellate District,
Division One

PEOPLE v. MACKEY
Petition for review denied

Brown, J., was absent and did not participate.

S119079

A098319 First Appellate District,
Division One

PEOPLE v. JACOBS
Petition for review denied

Brown, J., was absent and did not participate.

S119080

E031671 Fourth Appellate District,
Division Two

PEOPLE v. ESCOBAR
Petition for review denied

Brown, J., was absent and did not participate.

S119082

B161720 Second Appellate District,
Division Four

J., (SARAH), IN RE
Petition for review denied

Brown, J., was absent and did not participate.

S119091

B161358 Second Appellate District,
Division Two

PEOPLE v. VACA
Petition for review denied

Brown, J., was absent and did not participate.

S119092

B151635 Second Appellate District,
Division Three

PEOPLE v. OKELLO
Petition for review denied

Brown, J., was absent and did not participate.

S119112

A098521 First Appellate District,
Division Three

PEOPLE v. BABICH
Petition for review denied

Brown, J., was absent and did not participate.

S119115

A099014 First Appellate District,
Division One

G. (BRANDON) v. GRAY
Petition for review denied

Brown, J., was absent and did not participate.

S119117

G030510 Fourth Appellate District,
Division Three

R. (EDWARD), IN RE
Petition for review denied

Brown, J., was absent and did not participate.

S119119

A098506 First Appellate District,
Division Four

PEOPLE v. KAZAS
Petition for review denied

Brown, J., was absent and did not participate.

S119120

B162830 Second Appellate District,
Division Five

PEOPLE v. NELSEN

Petition for review denied

Brown, J., was absent and did not participate.

S119125

B169063 Second Appellate District,
Division Two

MAYES v. S.C. (PEOPLE)

Petition for review denied

Brown, J., was absent and did not participate.

S119126

A097997 First Appellate District,
Division Five

PEOPLE v. POPE

Petition for review denied

Brown, J., was absent and did not participate.

S119127

E034245 Fourth Appellate District,
Division Two

WILLIAMS (CLARANCE LE-ROND) ON H.C.

Petition for review denied

Brown, J., was absent and did not participate.

S119133

F041761 Fifth Appellate District

PEOPLE v. HOOKS

Petition for review denied

Brown, J., was absent and did not participate.

S119136

B162967 Second Appellate District,
Division Two

PEOPLE v. WATSON

Petition for review denied

Brown, J., was absent and did not participate.

S119138

F040115 Fifth Appellate District

PEOPLE v. AYALA

Petition for review denied

Brown, J., was absent and did not participate.

S119139

B159581 Second Appellate District,
Division Three

ARTAL v. ALLEN

Petition for review denied

Brown, J., was absent and did not participate.

S119143

A099296 First Appellate District,
Division Five

PEOPLE v. BOWIE

Petition for review denied

Brown, J., was absent and did not participate.

S119144

E032071 Fourth Appellate District,
Division Two

J., (JOHN) , IN RE

Petition for review denied

Brown, J., was absent and did not participate.

S119150

H025150 Sixth Appellate District

E. (JULIAN), IN RE

Petition for review denied

Kennard, J., is of the opinion the petition should
be granted.

Brown, J., was absent and did not participate.

S119151

E032112 Fourth Appellate District,
Division Two

C. (C), IN RE

Petition for review and depublication request denied

Request for judicial notice is granted.

Brown, J., was absent and did not participate.

S119156

B165528 Second Appellate District,
Division One

PEOPLE v. NEWMAN

Petition for review denied

Brown, J., was absent and did not participate.

S119157

F041027 Fifth Appellate District

PEOPLE v. MANCEVICE

Petition for review denied

Brown, J., was absent and did not participate.

S119158

E031983 Fourth Appellate District,
Division Two

F. (PHILLIP), IN RE

Petition for review denied

Brown, J., was absent and did not participate.

S119462

A098614 First Appellate District,
Division One

CHOI v. CHAN

Petition for review denied

Brown, J., was absent and did not participate.

S119623

B170029 Second Appellate District,
Division Two

DANIEL v. S.C. (DANIEL)

Petition for review and application for stay denied

Brown, J., was absent and did not participate.

S108607

EDWARDS (THOMAS ELLIS) ON H.C.

Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S113196

MORGAN (WILLIAM RAY) ON H.C.

Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S113573

LUNA (ROBERTO) ON H.C.

Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S113894

MOBLEY (WAYNE) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

Brown, J., was absent and did not participate.

S113900

LEWIS (TEIQUON L.) ON H.C.

Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S113923

AGUIRRE (RICHARD A.) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

Brown, J., was absent and did not participate.

S113928

ROGERS (TONY T.) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

Brown, J., was absent and did not participate.

S113946

WILLIAMS (BOBBY JAMES) ON H.C.

Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S113979

FRANKLIN (MELVIN D.) ON H.C.

Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S114126

MOORE (RONNIE GENE) ON H.C.

Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S114153

TOTO JR. (ROBERT) ON H.C.

Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S114158

ODEN (DERRICK JESUS) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

Brown, J., was absent and did not participate.

S114224

CRESPO (ANTHONY) ON H.C.

Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S114240

HOLLOWAY (CLARENCE A.) ON H.C.

Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S114248

JACKSON (AVALON) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

Brown, J., was absent and did not participate.

S114250

REMEIDIO (ROMIRICO) ON H.C.

Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S114251

ROBINSON (QUENTON) ON H.C.

Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S114256

PHILLIPS (JAMES) ON H.C.

Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S114274

FORD (JOHNNY WALTER) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

Brown, J., was absent and did not participate.

S114284

CAMORLINGA (PETER S.) ON H.C.

Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S114288

BLAINE (VANCE) ON H.C.

Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S114294

JONES (WILLIAM F.) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

Brown, J., was absent and did not participate.

S114306

MACHADO (DELFINO) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S114309

BUCKLEY (DANIEL P.) ON H.C.
Petition for writ of habeas corpus denied with citation(s)

Brown, J., was absent and did not participate.

S114430

TOTO (ROBERT) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S114464

BUCKLEY (DANIEL P.) ON H.C.
Petition for writ of habeas corpus denied with citation(s)

Brown, J., was absent and did not participate.

S114530

COOK (RONALD C.) ON H.C.
Petition for writ of habeas corpus denied with citation(s)

Brown, J., was absent and did not participate.

S114981

REMEIDIO (ROMIRICO) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S116281

PICKENS (RONNIE) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S116662

HERRERA (PAUL) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S116727

WALTER (LIONEL) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S116762

WEINHART (BRIAN) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S116763

ONTIVEROS (ROBERT) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S116764

LOPEZ (ANTHONY) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S116766

MILLER (DAVID) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S116769

BUSH (MICHAEL S.) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S116771

POLK (KENNETH) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S116772

GRIFFIN (JOHNNY) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S116773

CAGLEY (BRETT C.) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S116776

HOSKINS (FORREST) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S116777

SIMMONS (JOSEPH) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S116778

ERVIN (WALLACE R.) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S116903

MILLEN (TERRANCE T.) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S117092

BENAVIDES (WALTER) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S117179

JAMISON (ANDREW) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S117180

CHACON (STEVEN) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S117182

TISINO (HENRY) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S117183

THOMPSON (HAROLD) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S117184

ROBERTS (DAVID) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S117185

LEMONS (ANTHONY) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S117186

LAWSON (RICHARD) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S117189

DAVIS (EDMAND) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S117190

MYLES (BOBBY) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S117191

GRIFFIN (RODERICK) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S117192

HERNANDEZ (DARYL R.) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S117193

HALE (JAMES) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S117195

SMITH (HARMON) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S117197

WALTON (KIJANA) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S117291

ROBLES (JOSE J.) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S118011

WASHINGTON (RODERICK) ON H.C.
Petition for writ of habeas corpus denied with citation(s)

Brown, J., was absent and did not participate.

S118163

WASHINGTON (RODERICK) ON H.C.
Petition for writ of habeas corpus denied with citation(s)

Brown, J., was absent and did not participate.

S118818

WASHINGTON (RODERICK) ON H.C.
Petition for writ of habeas corpus denied with citation(s)

Brown, J., was absent and did not participate.

S119024

GALLEGOS (VICTOR) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S119237

EDWARDS (VERNELL) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S119286

LOGAN (WESLEY C.) ON H.C.
Petition for writ of habeas corpus denied with citation(s)

Brown, J., was absent and did not participate.

S119367

LITMON (DAVID) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S119415

WASHINGTON (RODERICK) ON H.C.
Petition for writ of habeas corpus denied with citation(s)

Brown, J., was absent and did not participate.

S119444

SHEA (FRANCIS PATRICK) ON H.C.
Petition for writ of habeas corpus denied with citation(s)

Brown, J., was absent and did not participate.

S119485

WASHINGTON (RODERICK) ON H.C.
Petition for writ of habeas corpus denied with citation(s)

Brown, J., was absent and did not participate.

S119486

WASHINGTON (RODERICK) ON H.C.
Petition for writ of habeas corpus denied with citation(s)

Brown, J., was absent and did not participate.

S119487

WASHINGTON (RODERICK) ON H.C.
Petition for writ of habeas corpus denied with citation(s)

Brown, J., was absent and did not participate.

S119489

WASHINGTON (RODERICK) ON H.C.
Petition for writ of habeas corpus denied with citation(s)

Brown, J., was absent and did not participate.

S119555

BLANTON (KENNETH P.) ON H.C.
Petition for writ of habeas corpus denied with citation(s)

Brown, J., was absent and did not participate.

S119798

FINE (RICHARD I.) ON H.C.
Petition for writ of habeas corpus & stay denied

S117887

A094225 First Appellate District,
Division Five

PURCELL-MURRAY CO. v. WOLF RANGE CO.
Publication request denied (case closed)

Brown, J., was absent and did not participate.

S118791

B160239 Second Appellate District,
Division Six

SHEEHY ROAD WATER SYSTEMS v. PIRGHAIBI
Publication request denied (case closed)

Brown, J., was absent and did not participate.

S118989

C041469 Third Appellate District

COLE v. DEAVERS
Publication request denied (case closed)

Brown, J., was absent and did not participate.

S118994

E032669 Fourth Appellate District,
Division Two

R. (JASMINE), IN RE
Publication request denied (case closed)

Brown, J., was absent and did not participate.

S118234

A100307 First Appellate District,
Division Four

PEARSON v. ELBERT

Time extended to grant or deny review

to November 21, 2003.

S119051

A103756 First Appellate District,
Division Four

WOODS v. S.C. (PEOPLE)

Extension of time granted

Petitioner's time to serve and file the reply to answer to petition for review is extended to and including October 31, 2003.

S004687

PEOPLE v. COOPER (KEVIN)

Motion denied

The "motion to recall the remittitur and to reinstate the direct appeal under California Rules of Court, rule 29.6(c); and/or petition for writ of error *coram nobis*," filed September 2, 2003, is denied.

Brown, J., was absent and did not participate.

S064769

PEOPLE v. HAWTHORNE (CARLOS A.)

Two (2) Orders filed

- (1) On stipulation by the parties, the certified trial record is corrected as follows: (1) page 247, line 4, which currently reads "juror 8180.", is replaced with "juror 6229." and (2) page 247, line 8, which currently reads "juror 8180) number, number 8180." is replaced with "juror 6229) number, number 6229."

Brown, J., was absent and did not participate

- (2) Appellant's request for substitution of counsel, filed on February 21, 2003, is denied.

Brown, J., was absent and did not participate.

S076339

PEOPLE v. GRIMES (GARY L.)

Counsel appointment order filed

Upon request of appellant for appointment of counsel, James M. Fahey is hereby appointed to

represent appellant Gary Lee Grimes for the direct appeal in the above automatic appeal now pending in this court.

Brown, J., was absent and did not participate.

S099345

IN THE MATTER OF THE SUSPENSION OF
ATTORNEYS PURSUANT TO RULE 962,
CALIFORNIA RULES OF COURT
Order filed

DARNEL A. PARKER, #135739, was listed by the State Department of Child Support Services as being in arrears in payment of support obligations. He later obtained the necessary release from the appropriate local Child Support agency. He has subsequently been identified by the Department of Child Support Services as again being delinquent. Pursuant to Rule 962(a) of the California Rules of Court, IT IS HEREBY ORDERED that **DARNEL A. PARKER**, be suspended from membership in the State Bar of California and from the rights and privileges of an attorney to act from and after **November 24, 2003**.

IT IS FURTHER ORDERED that upon receipt by the State Bar of California of a release issued by the appropriate local Child Support agency pursuant to Family Code 17520, the State Bar shall certify the fact of the receipt of such release to the Clerk of the Supreme Court and the suspension shall be terminated by order of this Court and he shall be fully restored to membership in the State Bar of California, and to all rights and privileges, duties and responsibilities incident thereto;

IT IS FURTHER ORDERED that until restored as above provided, he shall be precluded from practicing as an attorney at law, or an attorney or agent of another in and before all the courts, commissions and tribunals of this state, and from holding himself out to the public as an attorney or counsel at law.

S113480

MCNEAL ON DISCIPLINE

Petition for writ of review denied; recommended discipline imposed.

Petition for writ of review DENIED.

It is ordered that **PATRICK DAYTON**

MCNEAL, State Bar No. 62102, be suspended from the practice of law for three years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for one year and until he makes restitution to Rosa Jaimez (or the Client Security Fund, if appropriate) in the amount of \$2,500.00 plus 10% interest per annum from December 20, 1996, and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of the Chief Trial Counsel. **Patrick Dayton McNeal** is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its decision filed on September 30, 2002, as corrected by its order filed November 19, 2002. It is also ordered that **Patrick Dayton McNeal** take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) **Patrick Dayton McNeal** is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

Brown, J., was absent and did not participate.

S118196

KERR ON DISCIPLINE

Recommended discipline imposed

It is ordered that **DUDLEY RANDALL KERR, State Bar No. 167402**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on June 2, 2003. Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S118197

NOBLE ON DISCIPLINE

Recommended discipline imposed

It is ordered that **JOHN ROBERT NOBLE, State Bar No. 87153**, be suspended from the practice of law for two years and until he makes the specified restitution and complies with certain additional financial conditions as set forth more fully below, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including that he be actually suspended from the practice of law for nine months and until he makes the following restitution: (1) to Tamela Stewart (or the Client Security Fund, if appropriate) in the amount of \$1,200.00 plus 10% interest per annum from March 15, 2002; and (2) to Lynda Hadler-Adams (or the Client Security Fund, if appropriate) in the amount of \$1,400.00 plus 10% interest per annum from November 3, 2002, and furnishes satisfactory proof thereof to the State Bar Probation Unit; and until he complies with certain additional financial conditions recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on April 17, 2003, as modified by its order filed June 25, 2003. If

John Robert Noble is actually suspended for two years or more, he shall remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar and one-half of said costs shall be added to and become part of the membership fees for the years 2004 and 2005. (Bus. & Prof. Code section 6086.10.)

S118202

COHEN ON DISCIPLINE

Recommended discipline imposed

It is ordered that **Matthew Jeremy Cohen, State Bar No. 199410**, be suspended from the practice of law for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice, and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for one year and until he makes restitution to Jon M. Miller (or the Client Security Fund, if appropriate) in the amount of \$5,000 plus 10 percent interest per annum from February 1999 and furnishes satisfactory proof thereof to the State Bar's Probation Unit in Los Angeles. If he is actually suspended for two

years or more, he shall remain actually suspended until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice, and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. He is further ordered to comply with all conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on June 12, 2003. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) He is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in paragraphs (a) and (c) of that rule, within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and payable in accordance with Business and Professions Code section 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S118204

BROOKS ON DISCIPLINE

Recommended discipline imposed

It is ordered that **W. Keith Brooks, State Bar No. 103870**, be suspended from the practice of law for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice, and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including six months' actual suspension, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on June 11,

2003. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7. *(See Bus. & Prof. Code, § 6126, subd. (c).)

S118208**WILKES ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **Leo Benson Wilkes, State Bar No. 114253**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including 90 days' actual suspension, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on June 11, 2003. It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7. *(See Bus. & Prof. Code, § 6126, subd. (c).)

S118210**SEVERO ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **RAOUL JORGE SEVERO, State Bar No. 78104**, be suspended from the practice of law for five years, that execution of

the suspension be stayed, and that he be placed on probation for five years on condition that he be actually suspended for three years and six months and until he has shown proof satisfactory to the State Bar Court of respondent's rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Respondent is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on June 12, 2003. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Respondent is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar and one-fifth of said costs shall be added to and become part of the membership fees for the years 2004, 2005, 2006, 2007, and 2008. (Business and Professions Code 6086.10.)

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S119774

HINER ON RESIGNATION

Resignation accepted with disc. proceeding pending

The voluntary resignation of John Russell Hiner, State Bar No. 113145, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S119775**BONILLA ON RESIGNATION**

Resignation accepted with disc. proceeding pending

The voluntary resignation of **ALMA R. BONILLA, State Bar No. 186253**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should she hereafter seek reinstatement. It is ordered that she comply with rule 955 of the California Rules of Court and that she perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

MISC. 2003-1

**IN THE MATTER OF THE APPOINTMENT OF
JUDICIAL MEMBERS OF THE COMMISSION ON
JUDICIAL PERFORMANCE**

Pursuant to the provisions of article VI, section 8, subdivision (a), of the California Constitution, the following appointment is made to the Commission on Judicial Performance

Effective October 22, 2003:

The Honorable Frederick Paul Horn, Presiding Judge of the Superior Court of Orange County, is appointed to fill the vacancy in the term ending February 28, 2005, created by the elevation of the Honorable Madeleine I. Flier to the position of Associate Justice, Court of Appeal, Second Appellate District, Division 8.

